

REMARKS

Reconsideration of the instant application is respectfully requested. The present amendment is submitted in conjunction with a Request for Continued Examination (RCE) and is responsive to the Final Office Action of August 18, 2008, in which claims 1, 6-9 and 11-22 are presently pending. Of those, claims 1, 6-9 and 11-22 remain rejected under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent 6,152,563 to Hutchinson, et al., in view of U.S. Patent 5,731,805 to Tognazzini, et al. For the following reasons, however, it is respectfully submitted that the application is now in condition for allowance.

Claim 1 has been amended as set forth above to more accurately define the claim term detecting “renewed activity.” In the prior recitation of claim 1, Applicants’ used the phraseology:

“comprising at least one of a detected movement of a cursor or a detected movement of the user’s eye...” (emphasis added by Applicants)

Consequently, the Examiner relied on the teachings of Figure 13 of Tognazzini as meeting this claim element, in that once a user looks away from the initial gaze position (i.e., not “reading article” in decision block 1317), then the adjusted text begins to be reduced from its adjusted size. Further, the Examiner indicates that Tognazzini also teaches the expansion/reduction of text may be set to be performed instantaneously.

However, as disclosed in Figure 4B of the Applicants’ drawing, it will be noted that the “gaze away” inquiry in decision block 450 is decided only upon detection in decision block 445 of user input. Stated another way, user inactivity with respect to user input device 25 (e.g., keyboard 40, mouse 45) in the present disclosure would not permit a “gaze away” detection to restore the target object to its original appearance. In contrast, Tognazzini discloses reducing article text the moment the user looks away, regardless of whether there is a lack of other user activity.

Accordingly, claim 1 now specifically recites that the renewed activity comprises a detected movement of a cursor in combination with a detected movement of the user's eye. As the Examiner acknowledges that Hutchinson fails to teach this feature, and since Tognazzini discloses reducing article text the moment the user looks away, regardless of whether there is a lack of other user activity, the combination of the teachings of the references fails to disclose each and every element of the claims as now amended. That is, the art of record does not teach that the renewed activity comprises a detected movement of a cursor in combination with a detected movement of the user's eye. It is therefore respectfully submitted that each of the outstanding §103 rejections of the remaining pending claims have now been addressed and overcome. Finally, the Applicants respectfully reserve the right to pursue the subject matter of cancelled computer program product and system claims 17-22 in one or more continuing applications.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered.

However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 09-0441 maintained by Applicants' attorneys.

Respectfully submitted,
STEPHEN P. FARRELL, ET AL.

CANTOR COLBURN LLP
Applicants' Attorneys

By _____/Sean F. Sullivan/
Sean F. Sullivan
Registration No. 38,328
Customer No. 67232

Date: November 3, 2008
Address: 20 Church Street, 22nd Floor, Hartford, CT 06103
Telephone: (860) 286-2929